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PTOL-90A (Rev. 04/07)

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

MAILED

Application Number: 09/722,962
Filing Date: 11/27/2000
Appellant(s): GREENSPAN ET AL

JUL 0 5 2007

GROUP 3600

Nelson A. Blish, Reg. No. 29,134
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 2/1/07 appealing from the Office action mailed 5/4/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,587,828 B1   Sachdeva, Rohit   07-2003

6,171,112 B1   Clark et al.   01-2001

Parker, Roger C., Microsoft 4 for Wiindows for Dummies, 1994, IDG Books Worldwide

Inc, pp. 161-200.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

2.   Claims 61-71,73-74,76-87, and 89-92 are rejected under 35 U.S.C. 112, first

paragraph, as failing to comply with the written description requirement. The claim(s)

contains subject matter, which was not described in the specification in such a way as

to reasonably convey to one skilled in the relevant art that the inventor(s), at the time

the application was filed, had possession of the claimed invention.

The applicant's amendment to the specification filed 8/1/05, underscores the new

matter in the current claim language and the inadequate of written disclosure provided

in the originally filed disclosure submitted 11/27/2000.   In the 8/1/2005 specification

amendment, the Applicant edited the specification, including replacing the term

"healthcare" with "dental" in several instances.   Within the same amendment Appellant

made extensive amendments to the claim language which limited the steps performed

to particular dental procedures, rather than general healthcare procedures. While the

after-final amendment to the specification 7/3/06 removed many of these newly added

references "dental", certain references remain. (page 20 of the response, 3rd full

paragraph of the 7/3/06 response.)

There are occasional references to the American Dental Association (primarily in

the background of the invention) in the originally filed specification (e.g. page 1, par 1 of

Specification filed 11/27/00) and to dental procedures (namely Figures 2-4). However,

among other features, the originally disclosure does not describe the currently recited

details of (Claim 61):

> b. inserting in each template at least one general information indicator for use as
>
> a point of incorporation for general information on the dental patient;
>
> c. incorporating specific dental information about the specific dental procedure
>
> from the recommended course of treatment for the dental patient into the
>
> template, wherein incorporating specific dental information comprises the steps
>
> of:
>
>> i. scanning the template for a marker, wherein the marker identifies
>>
>> dental information specific to the dental patient and the marker identifies
>>
>> an insertion point in the template;
>>
>> ii. retrieving dental information specific to the dental patient identified by
>>
>> the marker from the dental desktop application;

iii. inserting the retrieved dental information specific to the dental patient

into the template a the insertion point identified by the marker; and

iv. repeating the steps of scanning, retrieving and inserting for each

marker in the template...

Similarly, the originally filed disclosure does not disclose or describe, the

following details recited in claim 76.

c.   a merger application ... wherein the merger application comprises:

i.   a scanner for scanning in information; and

ii.   at least one marker for identifying dental information specific to the dental

patient and the marker identifying an insertion point into the dental presentation

for the dental information specific to the patient; and

wherein the merger application retrieves dental information specific to the

patient identified by the marker from the dental desktop application; and

the merger application inserts the retrieved dental information specific to

the patient into the insertion point identified by said marker...

The claims as currently drafted are specifically drawn to a method and system for

producing a dental presentation for a patient. For example, claim 61 currently recites

"providing the dental presentation template with *at least one specific dental procedure*

indicator for use as a point of incorporation for specific dental information on the

recommended course of treatment..." (Step 4)

Claim 61 further recites other details such as "scanning the template for a

marker, wherein the marker identifies *dental* information specific to the dental patient..."

"retrieving dental information specific to the dental patient identified by the marker by

the from the dental desktop application..."

In sum, the scope the originally filed specification is not commensurate with that

of the currently pending claims in terms of describing Applicant's invention. Moreover,

the specification is much more generic in its description of the particular steps

performed in the method and of the system components used to generate a healthcare

presentation. Therefore, the rejection of claims 61-71,73-74,76-87, and 89-92 are

rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written

description requirement is proper and should be maintained.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 61-63, 66-71,and 73 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Sachdeva (USPN 6,587,828) in view of Clark et al (USPN

6,171,112), and in further view Admitted Prior Art (in accordance with MPEP 2144.03 (C))

[claims 61 and 69] Sachdeva teaches a method for generating and tracking presentations for a dental patient describing a recommended course of dental treatment comprising of at least one dental procedure, the method comprising the steps of:

- providing and starting a presentation tool in a computer having a display (Figure 2; col. 3, lines 36-col. 4, line 23)

- providing at least one master template configured for display as a dental presentation on said computer display: (Figure 1 (ref. nos. 18-20))

    o wherein said master template: (a) includes general information to be shown in every presentation (b) designates a common theme or look for the presentation (c) presents common information in a consistent manner on every presentation: (d) controls the order of the information in the presentation; and (e) reduces the possibility of errors in the information presentation; (Figure 1 (ref. nos. 18-20);col. 4, lines 11-60—Sachdeva discloses a master template for gathering and displaying the treatment plan data and the image information)

- loading the dental presentation master template into the presentation tool; (col. 3, lines 36-col. 4, lines 38—System uses template to assist in assembling the presentation and the input of information)

- providing the dental presentation master template with at least one specific dental procedure indicator for use as a point of incorporation for specific dental

information on the recommended course of treatment; (col. 3, lines 4-col. 4, line
8; col. 4, lines 24-38)

- inserting in each template at least one general information indicator for use as a
point of incorporation for general information on the dental patient; (col. 4, lines
9-65)

- incorporating specific dental information about the specific dental procedure from
the recommended course of treatment for the dental patient into the template;
(col. 4, lines 9-48; col. 5, lines 49-col. 6, line 15)

- incorporating the general information on the dental patient into at least one
template; (col. 4, lines 9-48; col. 5, lines 49-col. 6, line 15)

- generating a dental presentation using at least one template with the
incorporated specific dental information and the general information on the dental
patient with one step utilizing the computer; (col. 5, lines 32-col. 6, lines 15)

- storing the dental presentation in a dental desktop application; (col. 3, lines 58-
col. 4, line 8)

- presenting the dental presentation to the dental patient; and (col. 4, lines 24-27:
displaying treatment plan; col. 6, lines 3-33—patient acknowledges simulated
treatment results)

Claim 61 has been amended to recite dental presentation is provided to the

patient "without presenting a graphic simulation of the treatment of the patient." It is

respectfully submitted that the dental presentation provided to the patient varies in

scope depending upon the treatment plan developed for the patient. For example,

Sachdeva discloses that dental presentation includes data on the cost, time, staging, results, risks, and scheduling of treating (Figure 2). As such, Sachdeva teaches a system method which may provide a dental presentation to the patient without providing a graphic simulation of the treatment of the patient.

Sachdeva discloses a method as explained above, and further disclose that the dental presentation is provided to the patient to acknowledge information in the presentation. (col. 6, lines 3-33). However, Sachdeva does not expressly disclose a method in which the day and time that the dental presentation was patient is recorded. Clark teaches system and method for informed patient consent wherein the time and date of when the presentation is given to the patient is recorded (i.e. updating records of the individual to correspond to acceptance of the at least one procedure in the presentation by the individual. (Figure 26; col. 25, line 61-col. 26, line 26, line 5) At the time of the Applicant's invention, it would have been obvious to one ordinary skill in the art to modify the method of Sachdeva with the teaching of Clark to record time and data when the presentation is given to the dental patient. As suggested by Clark, one would have been motivated to include this feature to enhance the quality of the patient-healthcare provider experience prior to medical procedures by presenting information to a recipient while confirming receipt and comprehension of the information by the patient (col. 3, lines 45-49)

Claim 61 further recites that the specific steps of incorporating data comprise scanning for markers identifying insertion point, retrieving the desired data, inserting data, and repeating these steps. Sachdeva does not expressly disclose that the steps

of inserting/incorporating the data to create the desired presentation. However, it is

noted that the use of markers in templates to indicate points of data insertion and the

retrieval and insertion of the desired data for visual presentation are old and well known

in the art. For example HTML tags may be used for this purpose in

creating/customizing web pages. Also, Microsoft PowerPoint allows data to be imported

from other applications (e.g. ClipArt) at selected points in a user's presentation

template. At the time of the Applicant's invention, it would have been obvious to one of

ordinary skill in the art to include the steps of incorporating data by scanning for markers

identifying insertion point, retrieving the desired data, inserting data, and repeating

these steps (as needed). As suggested by Sachdeva, one would have been motivated

to include this feature to facilitate the automation of treatment plan generation. (col. 3,

lines 13-17)

[claim 62] See Sachdeva (col. 3, lines 55-col. 4, line 43)

[claim 63] Sachdeva teaches a method further comprising the step of editing the dental

presentation to add additional dental procedures. (col. 7, lines 37-56)

[claim 66] Sachdeva teaches a method of claim 61, further comprising the

steps of:

- generating a list of recommended dental procedures for the dental patient,

wherein the recommended dental procedures are previously entered into the

dental desktop application as being recommended for the dental patient; and

(col. 4, lines 27-38)

- selecting at least one recommended dental procedure from the list of

recommended dental procedures for inclusion in the recommended course of

treatment. (col. 4, lines 27-65; col. 5, lines 11-48)

[claim 67] Sachdeva teaches a method further comprising the step of using the dental

desktop application to select automatically all recommended dental procedures in the

list of recommended dental procedures for inclusion in the recommended course of

treatment. (col. 5, lines 11-48)

[claim 68] Sachdeva teaches a method further comprising the step of editing the list of

recommended dental procedures to include the dental procedure for the dental patient.

(col. 7, lines 20-36; col. 8, lines 33-57)

[claim 70] Sachdeva teaches a method further comprising the step of incorporating the

dental procedure into the template includes for each dental procedure, the steps of:

- retrieving a procedure information file for the dental procedure, wherein the

procedure information file includes a plurality of details related to the dental

procedure including a member of the group comprising: test data, time for the

procedure, medications for the procedure, post procedure follow up and

combinations thereof; and (col. 4, lines 9-32; col. 6, lines 3-14)

- inserting the procedure information file into the dental template. (col. 4, lines 9-

32; col. 6, lines 3-14)

[claim 71] Sachdeva teaches a method further comprising the step of editing the

procedure information file prior to inserting the procedure information file into the dental

template. (col. 7, lines 20-36; col. 8, lines 33-57)

[claim 73]   Sachdeva teaches a method, wherein the step of storing the dental

presentation in the dental desktop application includes the step of integrating the dental

presentation into dental desktop application records for the dental patient. (col. 3, lines

36-col.4, line 23; col. 4, line 49-67— patient's treatment plan generated, stored and

accessible to a plurality of parties)

[claim 74] Sachdeva teaches a method further comprising the

steps of:

- indicating at least one dental procedure of the recommended course of treatment

was accepted by the dental patient; and (col. 6, lines 3-43)

- updating records of the dental desktop application records for the dental patient

to correspond to the indicated accepted dental procedure. (col. 6, lines 3-43)

5.   Claims 64-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Sachdeva (USPN 6,587,828), Clark, and Admitted Prior Art as applied to claim 61 and

in further view of Parker (Microsoft Office 4 for Windows for Dummies)

[claim 64]   Sachdeva and Clark teach the method of claim 63, as explained in the rejection of claim 63 above, but do not expressly disclose the use of plug-in tool bars for editing or exchanging information among applications for a dental presentation. Parker discloses the use of plug-in tool bars to edit presentations and to exchange information among applications (pp. 184, 195-200: eg. Clip art/ spell check/ word toolbars). At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to further modify the system of Sachdeva and Clark in combination, with the teaching of Parker to include the use of plug-in tool bars to edit presentations and to exchange data among applications. As suggested by Parker, one would have been motivated to include these features to facilitate navigation through a presentation and to enhance the visual impact of the presentation. (page. 195)

[claim 65] Sachdeva teaches a method wherein said step of editing the dental presentation comprises at least one of the steps of adding other information to the dental presentation, removing information from the dental presentation and changing information in the dental presentation. (col. 7, lines 20-36; col. 8, lines 33-57)

6.   Claims 76-87 and 89-92 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sachdeva (USPN 6,587,828) in view of Parker (Microsoft Office 4 for Windows for Dummies) and in further view Admitted Prior Art (in accordance with MPEP 2144.03 (C)).

[claims 76 and 80]   Sachdeva teaches a system for generating and displaying a dental

presentation describing a recommended course of treatment having at least one dental

procedure for a dental patient, the system comprising:

- at least one computer, wherein said at least one computer comprises at least one

  memory device, a display; a dental desktop application stored in said at least one

  memory device, and a presentation tool stored in said at least one memory

  device; (Figure 2; col. 3, lines 36-col. 4, line 38; col. 5, lines 20-24)

- one step selection, merger and storage application for selecting a master

  template for a dental presentation, (col. 4, lines 9-48; col. 5, lines 49-col. 6, line

  15) and wherein said dental presentation is stored in said at least one memory

  device; (col. 3, lines 55- col. 4, lines 8)

  o wherein said master template: (a) includes general information to be

    shown in every presentation (b) designates a common theme or look for

    the presentation (c) presents common information in a consistent manner

    on every presentation: (d) controls the order of the information in the

    presentation; and (e) reduces the possibility of errors in the information

    presentation; (Figure 1 (ref. nos. 18-20);col. 4, lines 11-60—Sachdeva

    discloses a master template for gathering and displaying the treatment

    plan data and the image information);

  o wherein the dental presentation master template is loaded into the

    presentation tool; (col. 3, lines 36-col. 4, lines 38—System uses template

    to assist in assembling the presentation and the input of information)

- a presentation tool for presenting said dental presentation to said dental patient;

  and (col. 4, lines 24-27: displaying treatment plan)

- a tracking tool, wherein when at least one dental procedure of said

  recommended course of treatment is accepted by a dental patient the patient

  records in the dental desktop application correspond to the accepted dental

  procedure. (col. 4, lines 24-27: displaying treatment plan; col. 6, lines 3-33—

  patient acknowledges simulated treatment results)

Claim 76 has been amended to recite dental presentation is provided to the

patient "without presenting a graphic simulation of the treatment of the patient." It is

respectfully submitted that the dental presentation provided to the patient varies in

scope depending upon the treatment plan developed for the patient. For example,

Sachdeva discloses that dental presentation includes data on the cost, time, staging,

results, risks, and scheduling of treating (Figure 2). As such, Sachdeva teaches a

system method which may provide a dental presentation to the patient without providing

a graphic simulation of the treatment of the patient.

Sachdeva discloses the use of templates for creating the medical and dental

presentations for patients as explained above, but does not expressly discuss the use of

slides as part of the user presentation. Parker discloses that Microsoft PowerPoint

allows users incorporate slides as part of a customized visual presentation. (Parker:

pages 187-197) Microsoft PowerPoint also allows information to be automatically

incorporated into the slide presentation. (Parker: pages 195-198)   At the time of the

Applicant's invention, it would have been obvious to one of ordinary skill in the art to

modify the system of Sachdeva with the teaching of Parker to include slides with

information that has been automatically incorporated as part of a customized patient

presentation. One would have been motivated to do this to improve or increase the

visual impact of the presentation and to provide a quick and efficient way for a user to

review and/or reformat the final presentation. (Parker: page. 195)

Claim 76 further recites that system contains specific components for

incorporating data comprise scanning for markers identifying insertion point, retrieving

the desired data, inserting data, and repeating these steps. Sachdeva does not

expressly disclose that the steps of inserting/incorporating the data to create the desired

presentation. However, it is noted that the use of markers in templates to indicate

points of data insertion and the retrieval and insertion of the desired data for visual

presentation are old and well known in the art. For example HTML tags may be used

for this purpose in creating/customizing web pages. Also, Microsoft PowerPoint allows

data to be imported from other applications (e.g. ClipArt) at selected points in a user's

presentation template. At the time of the Applicant's invention, it would have been

obvious to one of ordinary skill in the art to include components for incorporating data by

scanning for markers identifying insertion points, retrieving the desired data, inserting

data, and repeating these steps (as needed). As suggested by Sachdeva, one would

have been motivated to include this feature to facilitate the automation of treatment plan

generation. (col. 3, lines 13-17)

[claim 77] Sachdeva teaches a system wherein the selection, merger, and storage

application in a single action further incorporates general patient information into the

dental presentation. (col. 3, lines 55-col. 4, line 43)

[claim 78] See Sachdeva: Figures 1-3; col. 3, lines 36-col. 4, line 65; col. 6, lines 43-46.

[claims 79 and 84-85] Sachdeva and Parker teach the system of claim 76, as explained

in the rejection of claim 76 above. Sachdeva does not expressly disclose the use of

plug-in tool bars for editing or exchanging information among applications for a dental

presentation.   Parker discloses the use of plug-in tool bars to edit presentations and to

exchange information among applications (pp. 184, 195-200: e.g. Clip art/ spell check/

word toolbars). At the time of the Applicant's invention, it would have been obvious to

one of ordinary skill in the art to further modify the system of Sachdeva, with the

teaching of Parker to include the use of plug-in tool bars to edit presentations and to

exchange data among applications. As suggested by Parker, one would have been

motivated to include these features to facilitate navigation through a presentation and to

enhance the visual impact of the presentation. (page 195)

[claims 81-82] See Sachdeva: Figures 1-3; col. 4, lines 24-col. 6, line 15

[claims 83]   Sachdeva and Parker teach the system of claim 76, as explained in the

rejection of claim 76. Sachdeva discloses creating a dental presentation, but does not

expressly disclose the use of slides and therefore, does not disclose a system further comprising an indicator configured to indicate a point of incorporation for at least one slide. Parker discloses a system for incorporating slides into a presentation (i.e. an indicator configured to indicate a point of incorporation for at least one slide) (pages 171-173). At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the system of Sachdeva with the teaching of Parker to include an indicator to indicate a point or incorporation for a slide having specific dental information on at least one dental procedure included in a recommended course of treatment. As suggested by Parker, one would have been motivated to include this feature to facilitate navigation through a presentation and to enhance the visual impact of the presentation. (page 195)

[claims 86-87] See Sachdeva: col. 4, lines 9-38, 49-65; col. 5, lines 11-col. 6, line 15; col. 6, lines 43-46

[claim 89] Sachdeva teaches a system wherein the dental presentation stored in the at least one memory device comprises an integrator for integrating said dental presentation into dental desktop application records for said dental patient. (col. 3, lines 36-col.4, line 23; col. 4, line 49-67— patient's treatment plan generated, stored and accessible to a plurality of parties)

[claim 90] Sachdeva teaches a system wherein said dental presentation incorporates information from a dental database on a list of services offered by said dental practice (col. 4, lines 24, lines 27-35; col. 5, lines 11-31)

[claims 91-92] See (col. 4, lines 9-23; col. 5, lines 32-48)

(10) Response to Argument

Appellant's arguments with respect to claims 61-71,73-74,76-87, and 89-92 have been considered and are addressed in the order in which they appear.

(A)   Applicant argues that the change in scope regarding the specification and the claims to specifically disclose and recite a dental application is not new matter.

In response, the Examiner respectfully disagrees. The Examiner acknowledges that an Applicant is allowed to claim a specific embodiment of an invention.

However, in the instant application, the Examiner is unable to find the level of detail for a method and system of using a software application to generate dental presentations that is currently required by the claimed invention in any disclosed embodiment. (i.e. wherein specific dental information is incorporated, scanned as a marker or used to retrieve specific patient data).

For example, as explained in the 112, 1st rejection, exemplary claim 61 recites:

- providing the dental presentation template with *at least one specific dental procedure indicator for use as a point of incorporation for specific dental information on the recommended course of treatment...*" (Step 4)

- incorporating specific dental information about the specific dental procedure from the recommended course of treatment for the dental patient into the template, wherein incorporating specific dental information comprises the steps of:

i. scanning the template for a marker, wherein the marker identifies

dental information specific to the dental patient and the marker identifies

an insertion point in the template;

ii. retrieving dental information specific to the dental patient identified by

the marker from the dental desktop application;

iii. inserting the retrieved dental information specific to the dental patient

into the template the insertion point identified by the marker; and

iv. repeating the steps of scanning, retrieving and inserting for each

marker in the template...

The Appellant attempts to support the specific details for the dental embodiment in the

claimed steps by citing Figures 2-4. However, it is noted that the Figures 3-4 of the

11/27/00 disclosure display a final dental presentation, containing a series of slides. In

other words, Figures 3-4 demonstrate the possible result or product of a method and/or

system for generating a dental presentation. However, the original disclosure filed

11/27/00 fails to describe the recited process of claim 61 scanning for a template

marker, wherein the marker identifies dental information specific to the dental patient...;

retrieving dental information specific to the dental patient identified by the marker from

the dental desktop application; and inserting the retrieved dental information specific to

the dental patient into the template a the insertion point identified by the marker.

As previously stated the scope the originally filed specification is not

commensurate with that of the currently pending claims in terms of describing claimed

Applicant's invention. The specification is much more generic in its description of the

particular steps performed in the method and of the system components used to

generate the healthcare presentation. Therefore, the rejection of claims 61-71,73-

74,76-87, and 89-92 are rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the written description requirement is proper and should be maintained.

(B)   Appellant argues that Sachdeva, Clark, and Parker rejection fails to disclose a

method and apparatus do not teach a method and apparatus for generating a dental

application presentation, including a master template.

In response to applicant's arguments against the references individually, one

cannot show nonobviousness by attacking references individually where the rejections

are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208

USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir.

1986). Clark and Parker have been applied in combination with Sachdeva to address

specific features of the claims.

Sachdeva discloses a method and apparatus for using a master template to

generate a dental presentation, as explained in the rejections of claims 61 and 76

(Figure 1 (ref. nos. 18-20);col. 4, lines 11-60—Sachdeva discloses a master template

for gathering and displaying the treatment plan data and the image information).

(C)   Appellant further argues that Sachdeva and Clark do not disclose the "one-click

technique" for data entry as required the claimed invention (claims 61 and 76).

In response to applicant's argument that the references fail to show certain

features of applicant's invention, it is noted that the features upon which applicant relies

(i.e., a one-click technique for data entry) are not recited in rejected claim(s) 61 or 76.

Although the claims are interpreted in light of the specification, limitations from the

specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26

USPQ2d 1057 (Fed. Cir. 1993).

(D)   Appellant argues that Parker does not disclose using a master template that

scans for markers then inserts dental information specific to the patient at the location of

the markers as a part of the presentation.

Again, one cannot show nonobviousness by attacking references individually

where the rejections are based on combinations of references. See *In re Keller*, 642

F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231

USPQ 375 (Fed. Cir. 1986).

Sachdeva discloses a method and apparatus for using a master template to

generate a dental presentation, as explained in the rejections of claims 61 and 76

(Figure 1 (ref. nos. 18-20);col. 4, lines 11-60—Sachdeva discloses a master template

for gathering and displaying the treatment plan data and the image information). In

other words, Sachdeva, not Parker, was relied upon to disclose the details of providing

dental patient information.

It was noted and the applicant failed to challenged the fact that the use of

markers in templates to indicate points of data insertion, and the retrieval and insertion

of the desired data for visual presentation are old and well known in the art. For example HTML tags may be used for this purpose in creating/customizing web pages. Also, Microsoft PowerPoint allows data to be imported from other applications (e.g. ClipArt) at selected points in a user's presentation template.   Because the Applicant's failed to challenge the noted facts in the response following the Examiner's use of the Official Notice, the grounds of rejection reflect that the noted facts were taken to be admitted prior art in accordance with MPEP 2144.03.

Parker was relied upon to disclose that Microsoft PowerPoint allows users incorporate slides as part of a customized visual presentation. (Parker: pages 187-197) Microsoft PowerPoint also allows information to be automatically incorporated into the slide presentation. (Parker: pages 195-198) (Claim 76) (Parker was also relied upon to disclose the use of plug-in tool bars to edit presentations and to exchange information among applications (pp. 184, 195-200: eg. Clip art/ spell check/ word toolbars). (Claims 64-65))

Accordingly, it was a combination of references as applied in the rejection of claims 61 and 76, which was relied upon to address the limitations of the claimed invention.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Rachel L. Porter

Conferees:

Luke Gilligan, Primary Examiner AU 3626

Alexander Kalinowski, SPE AU 3691

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